

## Agency Overview

The Office of the Idaho State Appellate Public Defender was created in 1998. The SAPD provides appellate representation to indigent defendants who have been convicted of a non-capital or capital felony in district court. The SAPD also provides appellate representation in dismissals or denials of non-capital state habeas proceedings and state post conviction petitions. The SAPD provides district court representation for capital defendants during the post conviction phase, as well as the appeal following the denial of the post conviction petition and the direct appeal from the judgment of conviction.

The State Appellate Public Defender is Molly J. Huskey, who was appointed by Governor Dirk Kempthorne in September, 2002. The office has 21 full-time employees, including the agency head. There are 4 attorneys in the Capital Litigation Unit, a mitigation specialist, an investigator and a support staff. The Appellate Unit has 9 attorneys, including the Chief of the Appellate Unit, two support staff and a paralegal. There is also an Office Administrator. The office is located at 3647 Lake Harbor Lane, Boise, Idaho.

The mission of the SAPD is to provide quality legal representation to its clients in an effective and efficient manner.

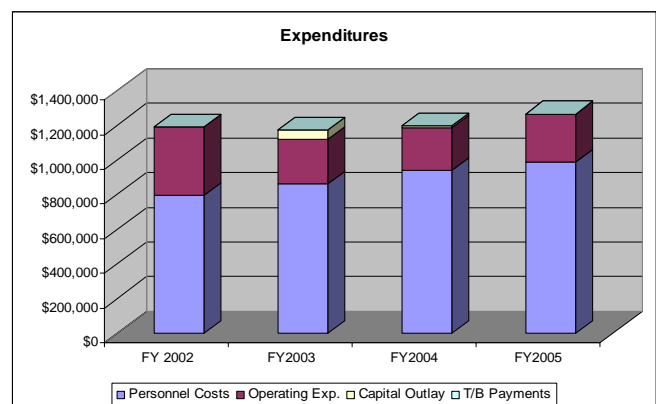
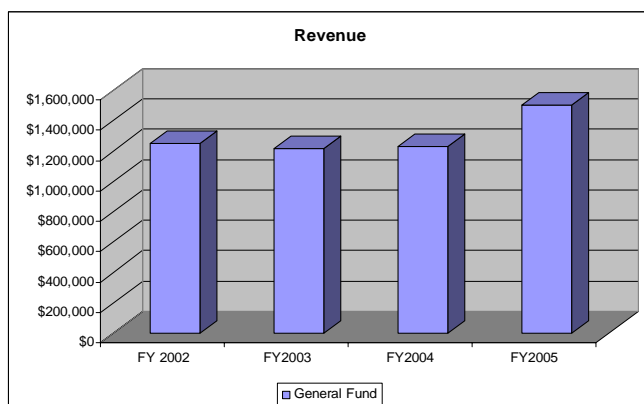
## Core Functions/Idaho Code

In *Alabama v. Powell*, 287 U.S. 45, 68-69 (1932), the United States Supreme Court held that basic fairness required that indigent defendants facing capital charges had the constitutional right to assistance of counsel. In *Gideon v. Wainwright*, 372 U.S. 335 (1963) the Supreme Court ruled that states have a constitutional obligation under the Sixth and Fourteenth Amendments to the U.S. Constitution to provide counsel to non-capital indigent defendants. The Idaho Appellate Courts have extended the right to counsel to direct appeals. *Banuelos v. State*, 127 Idaho 860, 908 P.2d 162 (Idaho App., 1995)

As a result of these cases, and recognizing the cost of specialized appellate counsel, the legislature created the SAPD was created pursuant to Idaho Code §19-867. The additional duties of the office are enumerated in I.C. §19-868 through §19-872.

## Revenue and Expenditures

Revenue	FY 2002	FY 2003	FY 2004	FY 2005
General Fund	\$1,251,700	\$1,217,700	\$1,228,800	\$1,504,600
<b>Total</b>	<b>\$1,251,700</b>	<b>\$1,217,700</b>	<b>\$1,228,800</b>	<b>\$1,504,600</b>
Expenditure	FY 2002	FY 2003	FY 2004	FY 2005
Personnel Costs	\$794,600	\$861,900	\$939,400	\$986,900
Operating Expenditures	\$396,200	\$255,500	\$246,500	\$279,000
Capital Outlay	\$300	\$57,700	\$10,200	\$0
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$1,191,100</b>	<b>\$1,175,100</b>	<b>\$1,196,100</b>	<b>\$1,265,900</b>



**Profile of Cases Managed and/or Key Services Provided**

Cases Managed and/or Key Services Provided	FY 2002	FY 2003	FY 2004	FY 2005
Capital	7	6	6	7
Non-Capital	525	536	632	608

**Performance Highlights**

Fiscal Year 2004 brought a significant increase in the number of cases handled by the SAPD Appellate Unit. To more accurately measure caseload for the fiscal year, in FY2005, the SAPD instituted a new method by which it measured cases, thus giving an artificial appearance that the number of cases handled by the Appellate Unit decreased during that fiscal year. Comparing the number of hours worked by the Appellate Unit attorneys, the workload for each attorney did not actually decrease.

**For More Information Contact**

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